

Mexican and Canadian NAFTA Professional Worker

TN/TD Visas

New Fees 2010

All TN/TD applicants must be aware that the new interview fee is \$140.00 USD (\$1890.00 MXN)

TN/TD visas will be issued only for a period of 12 months with no extra charge.

Overview

North American Free Trade Agreement (NAFTA) creates special economic and trade relationships for the United States (U.S.), Canada and Mexico. The nonimmigrant NAFTA Professional (TN) visa allows citizens of Canada and Mexico, as NAFTA professionals, to work in the U.S. in a prearranged business activity for a U.S. or foreign employer. Permanent residents, including Canadian permanent residents, are not able to apply to work as a NAFTA professional.

How Can Professionals from Mexico and Canada Work in the U.S.?

Professionals of Canada or Mexico may work in the U.S. under the following conditions:

- Applicant is a citizen of Canada or Mexico;
- Profession is on the NAFTA list;
- Position in the U.S. requires a NAFTA professional;
- Mexican or Canadian applicant is to work in a prearranged full-time or part-time job, for a U.S. employer (see documentation required). Self employment is not permitted;
- Professional Canadian or Mexican citizen has the qualifications of the profession.

Note: The application requirements for citizens of Canada and Mexico, shown below are different.

Requirements for Mexican Citizens

Mexican citizens require a visa to request admission to the U.S. (A USCIS approved petition is not required.)

Applying for a TN Visa

Internet: www.usvisa-mexico.com

Telephone: 01-900-849-4949 (from Mexico)
1-800-919-1754 (from the U.S.)

Required Documentation

Each applicant for a TN visa must adhere to the procedure as explained below:

1. **DS-160** Online Nonimmigrant Visa Electronic Application.
2. **A passport valid for travel to the U.S.** and with a validity date at least six months beyond the applicant's intended period of stay in the U.S. (unless country-specific agreements provide exemptions).
3. **One (1) 2x2 photograph** (just for minors under the age of 7).
4. **Letter of Employment in the U.S.** Additionally, the applicant's employer in the U.S. must provide an employment letter that includes the following:
 - a) The letter must indicate that the position in question in the U.S. requires the employment of a person in a professional capacity, consistent with the NAFTA Chapter 16, Annex 1603, Appendix 1603.d.1.
 - b) The applicant must present evidence of professional employment to satisfy the Consular Officer of your plans to be employed in prearranged business activities for a U.S. employer(s) or entity(ies) at a professional level. Part-time employment is permitted. Self-employment is not permitted. An employment letter or contract providing a detailed description of the business activities may be provided from the U.S. or foreign employer, and should state the following:
 - c) Activity in which the applicant shall be engaged and purpose of entry;
 - d) Anticipated length of stay;
 - e) Educational qualifications or appropriate credentials demonstrating professional status;
 - f) Evidence of compliance with DHS regulations, and/or state laws; and
 - g) Arrangements for pay.
 - h) Although not required, proof of licensure to practice a given profession in the U.S. may be offered along with a job offer letter, or other documentation in support of a TN visa application.

What are the Required Visa Fees?

- **Nonimmigrant visa application processing fee** - For current fees for Department of State government services select [Fees](#). You will need to provide a receipt showing the visa application processing fee has been paid, when you come for your visa interview.
- **Visa issuance fee** - Additionally, if the visa is issued, there will be an additional visa issuance reciprocity fee, if applicable. Please consult the [Visa Reciprocity Tables](#) to find out if you must pay a visa issuance reciprocity fee and what the fee amount is.

Additional Documentation or Qualifying Requirements

Applicants must show their intended stay is temporary, without the intent to establish permanent residence. Additionally, applicants must demonstrate that they are eligible as a NAFTA Professional for a TN visa, under U.S. law by:

- **Education Requirement:** The applicant's employer must submit proof that the applicant meets the minimum education requirements or has the alternative credentials set forth in NAFTA agreement, chapter 16 appendix 1603.d.1. Evidence of professional qualifications may be in the form of degrees, certificates, diplomas, professional licenses, or membership in a professional organization. Degrees, diplomas, or certificates received from an educational institution outside the U.S., Canada, or Mexico must be accompanied by an evaluation by a reliable credentials evaluation service specializing in evaluating foreign documentation.
- **Work Experience Requirement:** Document proving to the applicant's experience should be in the form of letters from former employers. If the applicant was self-employed, business records should be submitted proving that self-employment.

Is Licensure Required?

Requirements for NAFTA professional do not include licensure. Licensure to practice a given profession in the U.S. is a post-entry requirement subject to enforcement by the appropriate state or other sub-federal authority.

Spouses and Children

Spouses and children (unmarried children under the age of 21) who are accompanying or following to join NAFTA Professionals (TN visa holders) may receive a TD visa. Applicants must demonstrate a bona fide spousal or parent-child relationship to the principal TN visa holder. Dependents do not have to be citizens of Mexico or Canada. Spouses and children cannot work while in the U.S. They are permitted to study.

- **Canadian citizen spouses and children** do not need visas, but review the [CBP website](#) for the port of entry requirements:
- **Spouse and children are not Canadian citizens** - They must get a TD nonimmigrant visa from a U.S. Embassy or Consulate. They should review [U.S. Embassy or Consulate](#) website how to apply information.
- **Mexican citizen spouses and children** must apply for TD nonimmigrant visas at a U.S. Embassy or Consulate,
- **Spouses or children following to join** must show a valid I-94, thereby providing proof that the principal TN visa holder is maintaining his/her TN visa status.

Period of Stay and Extension of Stay

Review the USCIS website for [NAFTA period of stay](#) information. Canadian or Mexican citizens admitted as a NAFTA Professional may apply to USCIS for [extension of stay](#).

NAFTA Professional Job Series List

For a complete list of professions with minimum education requirements and alternative credentials, see the NAFTA webpage, [Appendix 1603.D.1](#) With some exceptions, each profession requires a baccalaureate degree as an entry-level requirement. If a baccalaureate is required, experience cannot be substituted for that degree. In some

professions, an alternative criteria to a bachelor's degree is listed. For some professions, experience is required in addition to the degree.

Additional Information

- No assurances regarding the issuance of visas can be given in advance. Therefore final travel plans or the purchase of nonrefundable tickets should not be made until a visa has been issued.
- Unless previously canceled, a visa is valid until its expiration date. Therefore, if the traveler has a valid U.S. visitor visa in an expired passport, do not remove the visa page from the expired passport. You may use it along with a new valid passport for travel and admission to the U.S.

Misrepresentation of a Material Facts, or Fraud

Attempting to obtain a visa by the willful misrepresentation of a material fact, or fraud, may result in the permanent refusal of a visa or denial of entry into the U.S. [Classes of Aliens Ineligible to Receive Visas](#), provides important information about ineligibilities.

Visa Ineligibility/Waiver

Certain activities can make you ineligible for a U.S. visa. The Nonimmigrant Visa Application, Form DS-156, lists classes of persons who are ineligible under U.S. law to receive visas. In some instances an applicant who is ineligible, but who is otherwise properly classifiable as a visitor, may apply for a waiver of ineligibility and be issued a visa if the waiver is approved. [Classes of Aliens Ineligible to Receive Visas](#) provides important information about ineligibilities, by reviewing sections of the law taken from the immigration and Nationality Act.

Visa Denials

If the consular officer should find it necessary to deny the issuance of a TN visa, the applicant may apply again if there is new evidence to overcome the basis for the refusal. For additional information, select [Denials](#) to learn more.

Entering the U.S. - Port of Entry

Applicants should be aware that a visa does not guarantee entry into the U.S. The visa allows a foreign citizen to travel to a port-of-entry in the U.S., such as an international airport, a seaport or a land border crossing, and request permission to enter the U.S. CBP, U.S. immigration inspector will permit or deny admission to the U.S., and determine your length of stay in the U.S., on any particular visit. Form I-94, Record of Arrival-Departure, which notes the length of stay permitted, is validated by the immigration official. Form I-94, which documents your authorized stay in the U.S., is very important to keep in your passport. Additionally, as a Mexican citizen seeking entry as a NAFTA professional, you must present evidence of professional employment to satisfy the Immigration Officer of your plans to be employed in prearranged business activities for a U.S. employer(s) or entity(ies) at a professional level. To find out more detailed information about admissions and entry in the U.S., select [Admissions](#) to go to the CBP website.

Staying Beyond Your Authorized Stay in the U.S. and Being Out of Status

- It is important that you depart the U.S. on or before the last day you are authorized to be in the U.S. on any given trip, based on the specified end date on your Arrival-Departure Record, Form I-94. Failure to depart the U.S. will cause you to be out-of-status. Staying beyond the period of time authorized by the Department of Homeland Security (DHS) and being out-of-status in the U.S. is a violation of U.S. immigration laws, and may cause you to be ineligible for a visa in the future for return travel to the U.S. Select [Classes of Aliens Ineligible to Receive Visas](#) to learn more.
- Staying unlawfully in the U.S. beyond the date CBP officials have authorized, even by one day, results in your visa being automatically voided, in accordance with INA 222(g). Under this provision of immigration law, if you overstay on your nonimmigrant authorized stay in the U.S. your visa will be automatically voided. In this situation, you are required to reapply for a new nonimmigrant visa, generally in your country of nationality.

Further Visa Inquiries

HermoTN@state.gov